

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2006-294-C - ORDER NO. 2007-442  
JULY 2, 2007

IN RE: Sandi Perry,	)	ORDER DENYING
	)	PETITION FOR
Complainant/Petitioner	)	RULEMAKING
	)	
v.	)	
	)	
BellSouth Telecommunications, Inc. d/b/a	)	
AT&T South Carolina,	)	
	)	
Defendant/Respondent.	)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on a Petition for Rulemaking that was filed concurrently with a Petition for Rehearing on May 8, 2007, by Sandy Perry in her dispute with BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T"). On June 5, 2007, the Petition for Rehearing was denied by Order No. 2007-402, while the Petition for Rulemaking was held in abeyance until the parties of this docket had sufficient time to respond. The parties have now responded and after due consideration, the Commission also denies the Petition for Rulemaking for the reasons set forth below.

Perry requests a rulemaking, under S.C. Code Ann. §§ 1-23-126, to promulgate a regulation that would require telephone companies in the State to list the National Do Not Call Registry phone number on the bills of their customers every month. She states that she was unaware of the Registry after recently changing her number and was

subsequently “bombarded by phone calls from solicitors.” The purpose of her Petition “is to enable customers of phone companies to have the ability to choose whether they want solicitors bothering them all day with sales calls or whether instead customers can know that they can stop the calls if they choose.”

The requirements for the National Do Not Call Registry are found within the Code of Federal Regulations administered by the Federal Communications Commission (“FCC”). These requirements provide:

Beginning January 1, 2004, common carriers shall: (1) When providing local exchange service, provide an annual notice, via an insert in the subscriber's bill, of the right to give or revoke a notification of an objection to receiving telephone solicitations pursuant to the national do-not-call database maintained by the federal government and the methods by which such rights may be exercised by the subscriber. The notice must be clear and conspicuous and include, at a minimum, the Internet address and toll-free number that residential telephone subscribers may use to register on the national database.

47 C.F.R. § 64.1200(g)(1). Responding to Perry’s Petition, AT&T confirms that it provides annual notice of how to prevent telephone solicitations via an insert in the customer’s bill as required above. AT&T therefore asserts that the purpose of Perry’s Petition to inform customers of their ability to opt out of phone solicitations is already accomplished.

The Commission recognizes that AT&T is meeting its federal requirements to inform its customers of the Do Not Call Registry and how to opt out of phone solicitations. Whether this annual notice is sufficient for this particular customer is currently a private dispute between the parties. Furthermore, filing motions for rulemaking within the context of a private dispute should be discouraged because it is

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unlikely to place other utilities on notice of a request that may have impacts on them. Ms. Perry provides a partial list of potentially impacted telecommunications companies in her filing, but suggests that they should not be served with her request for rulemaking, but rather to "let BellSouth serve as a precedent for the other companies." This statement calls into question whether the request can even properly be considered a request for rulemaking. In any event, it is more appropriate to address this issue at the hearing already scheduled with Perry and AT&T on July 25, 2007. At this hearing, the parties are ordered to provide information on the costs and burdens of such a requirement and how they compare to the benefits to be gained. Perry's Petition for a rulemaking is therefore denied.

This Order shall remain in full force and effect until further order of the Commission.

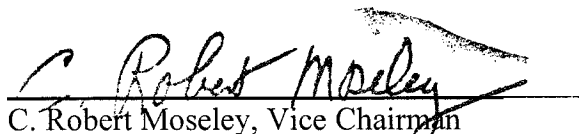
BY ORDER OF THE COMMISSION:



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G. O'Neal Hamilton, Chairman

ATTEST:

  
C. Robert Moseley, Vice Chairman

(SEAL)